

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

03 MDL 1570 (RCC)  
ECF Case

-----X  
KATHLEEN ASHTON, *et al.*,

02 CV 6977 (RCC)  
ECF Case

Plaintiffs,

v.

AL BARAKA INVESTMENT & DEVELOPMENT  
CORP., *et al.*,

Defendants.

\_\_\_\_\_/

**NOTICE OF MOTION TO DISMISS OF DEFENDANT  
FAISAL ISLAMIC BANK—SUDAN**

Please take notice that Defendant Faisal Islamic Bank—Sudan (“FIBS”), through its attorneys, moves this Court before the Honorable Richard Conway Casey, United States District Judge, at the United States District Court, Southern District of New York, 500 Pearl Street, Room 1950, New York, N.Y. 10007, at a date and time to be determined by the Court, for an order dismissing plaintiffs’ complaint under Rules 12 (b)(1), 12(b)(2), and 12(b)(6) of the Federal Rules of Civil Procedure on the grounds that plaintiffs: (1) have failed to provide a “short and plain” statement of facts entitling them to relief; (2) have failed to establish that the Court has personal jurisdiction over FIBS; and (3) have failed to state a claim against FIBS upon which relief can be granted. A memorandum of law in support of this motion has been filed with the Court and is incorporated herein.

Dated: New York, New York  
April 27, 2005

Respectfully Submitted,

**JOHN F. LAURO, P.A.**

By: \_\_\_\_\_/s/\_\_\_\_\_  
John F. Lauro, Esq. (JFL-2635)  
Karena L. Nashbar, Esq. (Fla.Bar 697982)  
(not admitted in New York)

101 E. Kennedy Blvd., Suite 2180  
Tampa, Florida 33602  
Phone: (813) 222-8990  
Fax: (813) 222-8991  
In New York Reply to:  
300 Park Avenue, Suite 1700  
New York, NY 10022  
E-mail: jlauro@laurolawfirm.com

*Attorneys for Defendant  
Faisal Islamic Bank—Sudan*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 27<sup>th</sup> day of April, 2005, the forgoing Notice of Motion to Dismiss of Defendant Faisal Islamic Bank-Sudan was filed electronically through the Court's ECF/PACER system and was electronically served to opposing counsel pursuant to Court rules. A copy of the forgoing was also sent by U.S. mail to plaintiffs' primary counsel.

\_\_\_\_\_/s/\_\_\_\_\_  
John F. Lauro, Esquire